

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/678,313 Confirmation No.: 5724
Applicant : Christopher W. Blenk
Filed : October 3, 2000
Title : Systems and Methods for Automated, Reader-based Filtration of Literary Works at Internet-Related Submission Site
TC/Art Unit : 3623
Examiner: Catherine Michelle Tarae

Docket No. : 58259.000002
Customer No. : **21967**

Mail Stop: AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Pursuant to the Pre-Appeal Brief Conference Pilot Program, Applicants hereby request a pre-appeal brief conference in the above-referenced case.

This application is appropriate for a pre-appeal brief conference. A brief history of this application and why applicants believe that an appeal will succeed are set forth below. This application was filed October 30, 2000. The claims have been subject to a rejection based on U.S. Patent No. 6,260,064 to Kurzrok either alone under section 102(b) or in combination with U.S. Patent No. 6,948,069 to Teppler.

Specifically, each of the two independent claims (claims 1 and 15) have been amended to clarify distinctions between the present invention and the Kurzrok reference.

As amended, claim 1 recites a security means that "limits the ability of users to misappropriate credit for the portion of work if the work were to be resubmitted to the storage

means by another author including a timestamp associated with a time of first receipt of the portion of work from the author that may be used by the system in resolving disputes regarding original authorship.” Similarly, claim 15 recites a method that performs that step.

Kurzrok fails to disclose such a feature. Nothing in the cites portions of Kurzrok discuss use of time-stamping to prevent misappropriation of credit for a submitted work in subsequent authorship disputes. Kuzrok has no discussion regarding authorship disputes.

The Office Action of January 27, 2006 acknowledges on page 4 that “Kurzrok does not expressly disclose the security means being used for at least one security mechanism to limit the ability of users to misappropriate credit for the portion of the work if the work were to be resubmitted to the storage means by another author including a timestamp associated with a time of first receipt..” The Office Action relies on Teppler to allegedly cure this deficiency.

Teppler as cited by the Examiner does not disclose “at least one security mechanism to limit the ability of users to misappropriate credit **for the portion of work**” as required by independent claims 1 and 15. Thus it fails to cure the deficiency of Kurzrok discussed below.

The portion of Kurzrok cited by the Examiner does not disclose any security means. *See* Kurzrok, Col 3, lines 33-40;

“Starting in step 202, a reader requests access information related to a subject of interest using ISP 22. At the host site, the request is received and, in response, information is retrieved from memory 16 (step 203) which is descriptive of the pages of the subject site including zones 100, 102, 104, 106. This information is returned to the reader site where in responses the zones 100, 102, 104, 106 are displayed in standard manner (Step 204).”

Requesting access does not disclose a

security means for implementing at least one security mechanism to limit the ability of users to misappropriate credit **for the portion of work** if the work were to be resubmitted to the storage means by another author including a timestamp

associated with a time of first receipt of the portion of work from the author that may be used by the system in resolving disputes regarding original authorship

as required by claim 1. The cited passage of Kurzrok also does not disclose the similar limitation in claim 15. There is nothing in the Examiner's citation of Kurzrok to indicate that Kurzrok has limited access of a user to a portion of the work. Tepper fails to cure this deficiency.

Accordingly, the cited references do not disclose or suggest every element of the independent claims and the rejections must be withdrawn.

Clearly, when the Office Action is asserting a 103 rejection in which a claimed element is missing, this case will be reversed on appeal.

Thus, an appeal on that basis will certainly succeed, but the time and expense in preparing an appeal brief on that issue should not be borne by the Applicant when the grounds is so clearly improper.

Respectfully submitted,



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